

SENATE BILL No. 174

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-4.7-1-1.

Synopsis: Telemarketing. Provides that the restrictions on telephone solicitation calls do not apply to existing customers of the telephone solicitor under certain circumstances.

Effective: July 1, 2002.

Harrison

January 7, 2002, read first time and referred to Committee on Commerce and Consumer Affairs.

C
o
p
y



Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 174

A BILL FOR AN ACT to amend the Indiana Code concerning consumer sales and credit.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 24-4.7-1-1, AS ADDED BY P.L.189-2001,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2002]: Sec. 1. This article does not apply to any of the
4 following:

5 (1) A telephone call made in response to an express request of the
6 person called.

7 (2) A telephone call made primarily in connection with an
8 existing debt or contract for which payment or performance has
9 not been completed at the time of the call.

10 (3) A telephone call made on behalf of a charitable organization
11 that is exempt from federal income taxation under Section 501 of
12 the Internal Revenue Code, but only if all of the following apply:

13 (A) The telephone call is made by a volunteer or an employee
14 of the charitable organization.

15 (B) The telephone solicitor who makes the telephone call
16 immediately discloses all of the following information upon
17 making contact with the consumer:



C
o
p
y

- 1 (i) The solicitor's true first and last name.
2 (ii) The name, address, and telephone number of the
3 charitable organization.
4 (4) A telephone call made by an individual licensed under
5 IC 25-34.1 if:
6 (A) the sale of goods or services is not completed; and
7 (B) the payment or authorization of payment is not required;
8 until after a face to face sales presentation by the seller.
9 (5) A telephone call made by an individual licensed under
10 IC 27-1-15.5 when the individual is soliciting an application for
11 insurance or negotiating a policy of insurance on behalf of an
12 insurer (as defined in IC 27-1-2-3).
13 (6) A telephone call soliciting the sale of a newspaper of general
14 circulation, but only if the telephone call is made by a volunteer
15 or an employee of the newspaper.
16 **(7) A telephone call made to an existing customer, unless the**
17 **customer has stated to the telephone solicitor that the**
18 **customer no longer wishes to receive telephone sales calls**
19 **from the telephone solicitor.**

C
o
p
y